IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1864 OF 2005

Chandresh Punsi Dedhia ...Petitioner

Versus

Mrs. Geeta Chandresh Dedhia ...Respondent

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Ms. Rekha Mehta, counsel for Petitioner

Mr. R.T. Parekh, counsel for Respondent.

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CORAM: B. H. MARLAPALLE, J.

DATED: 27TH APRIL, 2005

P. C.:-

1. Heard Ms. Mehta, the learned counsel for the petitioner husband who is aggrieved by the order dated 31.7.2004 passed by the learned Judge of the Family Court at Mumbai in Interim Application No. 12 of 2004 filed in petition A-832 of 2003. The petitioner husband has filed petition for divorce on the ground of cruelty and desertion and in the said petition, the wife moved an application for maintenance pendente lite, under Section 24 of the Hindu Marriage Act, 1955. While allowing the application, the learned Judge of the Family Court has directed to pay an amount of Rs.2500/- per month by way of interim maintenance to the wife from the date of the application i.e. 15.1.2004.

2. The learned counsel for the petitioner by referring to the observations made in para 8 to 11 of the impugned order submitted that there is no justification in fixing the amount of Rs.2500/- per month as interim maintenance and she, therefore, prayed to reduce it upto Rs.1000/- per month. On the face of the impugned order this submission appeared to be impressive but if the contents of the application submitted by the respondent wife vis-a-vis the reply filed by the petitioner husband are considered, the order does not call for any interference. In para 6 and 7 of her application, the wife had stated, interalia, that the petitioner's father is a reach businessman with large number of immovable properties in Goregaon and Kutch. The petitioner is also an educated person with an engineering degree and doing the business in the name and style of M/s. Dedhia General Stores at 157, Jawahar Nagar, Goregaon and another as Vipul Stores at 34, Jawahar Nagar, Goregaon. In the reply filed by the petitioner husband to the said application, he has not denied these averments made in para 6 and 7 of the application. While emphasising on the Income Tax returns submitted by him, he has not denied about the financial status of his father, his qualifications and his association with the two stores.

3. In the circumstances of this case, it appears that the Family Court was aware of the averments made in the application as well as the reply filed by the petitioner husband and though the impugned order is not supported by proper reasons, no interference is called for in the same so as to reduce the interim maintenance amount.

4. The petition is, therefore, rejected summarily.

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